



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 19, 2013

Mr. Michael Morisy
MuckRock News
DEPT MR 6113
P.O. Box 55819
Boston, MA 02205-5819

Subject: Freedom of Information Act Request No. 2013-126 – Final Response
(PRIV FOIA Request No. 2013-HQFO-00806)
(CRCL FOIA Request No. 13-048)

Dear Mr. Morisy:

This responds to Freedom of Information Act (FOIA) request addressed to the Department of Homeland Security (DHS) Privacy Office (PRIV), dated July 7, 2013, and seeking records regarding investigations of alleged violations of whistleblower protection laws (copy enclosed for reference). PRIV referred your request to the DHS Office for Civil Rights and Civil Liberties (CRCL), which subsequently referred your request to the DHS Office of Inspector General (OIG) for processing and direct response to you. DHS-OIG received that referral on July 25, 2013.

Pursuant to an email dated August 29, 2013, a member of my staff informed you that DHS-OIG will provide you with a list of narratives describing investigations responsive to your request. OIG will pull these narratives by using the search terms, “whistleblower,” and “No FEAR Act” (copy the email enclosed for reference).

DHS-OIG conducts independent investigations, audits, inspections, and special reviews of DHS personnel, programs, and operations to detect and deter waste, fraud, and abuse, and to promote integrity, economy, and efficiency within DHS. In response to your request, a search of the DHS-OIG’s Office of Investigations was conducted using the above stated search terms. That search resulted in the enclosed records responsive to your request. We have reviewed the responsive records under the FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

_____ page(s) are released in full (RIF);
___ 4 ___ page(s) are released in part (RIP);
_____ page(s) are withheld in full (WIF);
_____ page(s) were referred to another entity.

The exemptions cited for withholding records or portions of records are marked below.

Freedom of Information Act, 5 U.S.C. § 552			Privacy Act, 5 U.S.C. § 552a
<input type="checkbox"/> 552(b)(1)	<input type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input type="checkbox"/> 552(b)(3)	<input checked="" type="checkbox"/> 552(b)(7)(A)	<input type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(6)(emphasis added). DHS-OIG is invoking Exemption 6 to protect the names of third parties and any information that could reasonably be expected to identify such individuals.

Exemption 7(A), 5 U.S.C. § 552(b)(7)(A)

Exemption 7(A) authorizes the withholding of “records or information compiled for law enforcement purposes...to the extent that production of such law enforcement records or information...could reasonably be expected to interfere with enforcement proceedings.” *See* 5 U.S.C. § 552(b)(7)(A). DHS-OIG is invoking Exemption 7(A) to protect information pertaining to an investigation within this list of narratives that include ongoing proceedings.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes...[if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(7)(C). DHS-OIG is invoking Exemption 7(C) to protect the identities of third parties and any information contained in these investigative records that could reasonably be expected to identify such individuals.

Appeal

You have the right to appeal this response.¹ Your appeal must be in writing and received within 60 days of the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit

¹ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

DHS-OIG Office of Counsel
Stop 0305
245 Murray Lane, SW
Washington, DC 20528-0305

Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter must also clearly identify the DHS-OIG's response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.9. If you have any questions about this response, please contact Aneet Thind, FOIA/PA Disclosure Specialist, at 202-254-4373.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email that entity at ogis@nara.gov or call 877-684-6448.

Sincerely,

A handwritten signature in black ink that reads "Stephanie L. Kuehn". The signature is written in a cursive, flowing style.

Stephanie L. Kuehn
Senior FOIA/PA Disclosure Specialist

Copy of the
FOIA Request

Date : Jul 7, 2013 20:58 GMT
To : 12023434011
From : fax@requests.muckrock.com
Subject: Freedom of Information Request: NO FEAR Act Whistleblower

July 7, 2013
Department of Homeland Security
U.S. Department of Homeland Security
Privacy Office
Director, Disclosure & FOIA
245 Murray Drive SW, Building 410
STOP-655
Washington, D.C. 20528-0655

RECEIVED

JUL - 8 2013

PRIVACY OFFICE

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

NO FEAR Act investigations conducted by this agency that involve alleged and possible violations of whistleblower protection laws between Jan 1., 2008 and the date that the request is processed. Please include copies of all closed investigations, whether or not violations of whistleblower protection laws were indeed found to have been violated.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Michael Morisy

Filed via MuckRock.com
E-mail (Preferred): 6113-12796956@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 6113
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

Requester's Name: Michael Morisy

FOIA/PA NO.: 2013-126

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PAGE(S) OF DOCUMENT(S)

RELEASED IN PART (RIP)

EXEMPTIONS CITED

(b)(6), (b)(7)(A), (b)(7)(C)

Investigation Number	DHS Affected Agency	Title	Name of DHS Employee Subject(s)	Received Date	Date Completed / Closed	Narrative of the original allegation	Allegation Category	Allegation	Allegation Detail	Action	Violation Code	Violation Desc	Allegation Status	Disposition Type
09-ICE-PHL-07513	U.S. Immigration and Customs Enforcement (DHS)	[REDACTED]	[REDACTED]	05/04/09	02/22/10	Complainant reported an allegation that [REDACTED] has conducted witness tampering by pressuring [REDACTED] employees not to testify on an ongoing criminal investigation being conducted by the [REDACTED] Police Department (PD) and the County of [REDACTED] District Attorney's Office. 5/12/09: A similar allegation from JIC referral 200907093 reported that [REDACTED] also conducted witness tampering. [REDACTED] 6/17/09: Additional information received via JIC200908766. [REDACTED] is allegedly retaliating against [REDACTED] [REDACTED] in connection to Whistleblower participation.	Employee Corruption	Deliberate Disclosure of Classified / Law Enforcement / National Security Related information	Law Enforcement Sensitive Material	Referred - No Reply	NULL	NULL	Legacy Allegation	Judicial Disposition
09-ICE-PHL-07513	[REDACTED]													Judicial Disposition
11-CIS-MIA-00235	U.S. Citizenship and Immigration Services (DHS)	[REDACTED]	[REDACTED]	12/13/2010	5/19/2011	A series of open cases in the Miami office are on the actions of al [REDACTED]. There is evidence of a solicitation of a small bribe (about \$200) by the [REDACTED] took adverse action against an employee reporting (protected disclosure) the incident [REDACTED] been terminated for performance issues, [REDACTED] alleging whistleblower reprisal). There is credible evidence in the form of financial receipts that [REDACTED] solicited and received the bribe from [REDACTED] (in the [REDACTED]). It has also been reported that the [REDACTED] then directed false statements (18 USC 1001) from several of [REDACTED] subordinates to conceal [REDACTED] actions – and then [REDACTED] engaged in some prohibited personnel practices to keep [REDACTED] actions secret. - This excerpt was taken directly from an e-mail attached in the documents section. [REDACTED] 12/14/10	Employee Corruption	Deliberate Disclosure of Classified / Law Enforcement / National Security Related information	Law Enforcement Sensitive Material	Referred - No Reply	18 USC 201	Bribery of Public Officials and Witnesses	Unsubstantiated	Administrative Disposition

Duplicate of above

RIP b6,7C

[11-CIS-MIA-00235]

Judicial Disposition	
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[11-CIS-MIA-00235]

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of
above

[11-CIS-MIA-00235]



IL13-FEMA-ATL-00544



Duplicate
of above

RIP b6, 7A, 7C